

Notice of Allowability

Application No.

10/771,524

Examiner

Elizabeth A. Bolden

Applicant(s)

FOGUENNE ET AL.

Art Unit

1755

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Preamendment filed 5 February 2004.
2. ☒ The allowed claim(s) is/are 14-23.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/868,847.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 2/5/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

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DETAILED ACTION

Priority

Applicant has obtain the benefit of priority based on priority papers filed in parent Application No. 09/914,043 under 35 U.S.C. 119(a)-(d) or (f). To satisfy the requirement of 37 CFR 1.55(a)(2) for a certified copy of the foreign application, applicant has identified the 09/868,847 application containing the certified copy.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 5 February 2004 has been considered by the examiner.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jerold Schneider on 27 September 2005.

The application has been amended as follows:

In the first paragraph of the specification, the status of the parent application, 09/868,847, in line 2 has been changed from "presently pending" to - -now abandoned- -.

In claim 17, line 7 delete "0.0500" and insert - -0.0500- -.

In claim 18, line 8 delete "0.0400" and insert - -0.0400- -.

Allowable Subject Matter

Claims 14-23 are allowed.

Reason for Allowance

The following is an examiner's statement of reasons for allowance:

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The prior art fail to disclose or suggest a blue colored soda-lime glass composition having the composition comprising > than 2 wt% MgO and where it contains Fe₂O₃, FeO, and MnO in the amounts as recited in the instant claims, which result in the recited properties specifically the light transmission, selectivity, and the relationship between the dominant wavelength and purity which lie with in the CIE 1931 chromaticity plot within the triangle defined in the instant claims

The Applicant successfully argues that Gulotta et al., U.S. Patent 5,393,593, Jones, U.S. Patent 5,411,922, Combes et al., U.S. Patent 5,352,640, and Seto et al., Japanese Patent Publication JP 10-114540 do not fulfill the relationship between the dominant wavelength and purity which lie with in the CIE 1931 chromaticity plot within the triangle defined in the instant claims. See Applicants' arguments and tables showing the colorant content and excitation purity relationship filed 5 February 2004. Additionally, see the Interview Summary of the parent case 09/868,847, which took place 11 December 2003.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. Bolden whose telephone number is 571-272-1363. The examiner can normally be reached on 9:30 am-6:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on 571-272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EAB

25 September 2005


KARL GROUP
PRIMARY EXAMINER
GROUP 1755